

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES EQUAL)	CIVIL 11-00257 LEK
EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	
)	
GLOBAL HORIZONS, INC., DBA)	
GLOBAL HORIZONS MANPOWER,)	
INC.; CAPTAIN COOK COFFEE)	
COMPANY LTD.; DEL MONTE FRESH)	
PRODUCE (HAWAII), INC.; KAUAI)	
COFFEE COMPANY, INC.; KELENA)	
FARMS, INC.,; MAC FARMS OF)	
HAWAII, LLC NKA MF NUT CO.,)	
LLC; MAUI PINEAPPLE COMPANY,)	
LTD. AKA MAUI PINEAPPLE)	
FARMS; ALEXANDER & BALDWIN,)	
INC.; MASSIMO ZANETTI)	
BEVERAGE USA, INC.; AND DOES)	
1-15, INCLUSIVE,)	
)	
Defendants.)	
)	

**ORDER TO SHOW CAUSE WHY DEFENDANT CAPTAIN COOK
COFFEE COMPANY, LTD.'S CROSS-CLAIM SHOULD
NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

On November 9, 2012, Defendant Captain Cook Coffee Company, Ltd. ("Captain Cook") filed a cross-claim against Defendant Global Horizons, Inc., doing business as Global Horizons Manpower, Inc. ("Global Horizons" and "the Captain Cook Cross-claim"), with its answer to Plaintiff Equal Employment Opportunity Commission's ("the EEOC") Third Amended Complaint, filed July 2, 2012. [Dkt. nos. 263, 405.] Global Horizons filed an answer to the Captain Cook Cross-claim on December 31, 2012.

[Dkt. no. 480.] No party has filed a motion or other document addressing the Captain Cook Cross-claim.

On September 3, 2014, this Court filed an order approving the consent decree between the EEOC and Captain Cook ("Captain Cook Consent Decree"). [Dkt. no. 720.] The Captain Cook Consent Decree resolves all of the EEOC's claims against Captain Cook, but it does not address the Captain Cook Cross-claim.

On September 24, 2014, the magistrate judge issued an entering order directing the Farm Defendants - which includes Captain Cook - to file reports regarding the status of their outstanding cross-claims against Global Horizons ("9/24/14 EO"). [Dkt. no. 726.] Captain Cook did not file a status report. On September 29, 2014, the magistrate judge held a telephonic status conference with counsel for the EEOC, Defendant Del Monte Fresh Produce (Hawaii), also known as Del Monte Fresh Produce (Hawaii), Inc., and Defendant Mac Farms of Hawaii, LLC, now known as MF Nut Co., LLC. [Minutes, filed 9/29/14 (dkt. no. 732).] The magistrate judge informed counsel that any stipulations to dismiss the cross-claims against Global Horizons should be submitted in accordance with Rule LR100.8.2 of the Local Rules of Practice of the United States District Court for the District of Hawai'i ("Local Rules").

Since the date of the status conference, this Court has approved stipulations to dismiss all of the cross-claims, except the Captain Cook Cross-claim. [Stipulations and orders, filed 9/30/14 (dkt. no. 734), filed 10/6/14 (dkt. no. 735), filed 10/7/14 (dkt. no. 736), filed 10/16/14 (dkt. no. 751).] Captain Cook and Global Horizons have not submitted a stipulation to dismiss the Captain Cook Cross-claim.

Before this Court can issue the final judgment in this case, it must resolve the Captain Cook Cross-claim. Captain Cook, however, is not currently represented by counsel. On December 12, 2012, the magistrate judge issued an order granting Cades Schutte LLP's Motion to Withdraw as Counsel, filed November 14, 2012. [Dkt. nos. 413, 468.] No counsel has entered an appearance on Captain Cook's behalf since that time. Captain Cook, as a legal entity, cannot represent itself pro se and must be represented by an attorney authorized to practice in this district. See Local Rule LR83.11. According to the district court's docket sheet for this case, the contact person for Captain Cook is Mr. Steve McLaughlin, President, 32 Adrian Court, Burlingame, CA 94010, but that address appears to be invalid. See, e.g., Notice of Electronic Filing (Mail Returned as Undeliverable), filed 9/20/13 (dkt. no. 566).¹ Although

¹ The district court has also attempted to contact Mr. McLaughlin at 3058 Strawberry Hill Road, Pebble Beach, CA
(continued...)

Mr. McLaughlin signed the Captain Cook Consent Decree as Captain's Cook's representative, see Captain Cook Consent Decree at 24, he has neither attempted to file any documents in this case nor indicated whether Captain Cook intends to hire legal counsel to litigate the Captain Cook Cross-claim.

On the basis of the foregoing, this Court HEREBY ORDERS CAPTAIN COOK TO SHOW CAUSE WHY ITS CROSS-CLAIM AGAINST GLOBAL HORIZONS SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE. See Fed. R. Civ. P. 41(b), (c). This Court ORDERS Captain Cook to appear, through counsel authorized to practice in this district, at a hearing on this Order to Show Cause on **Monday, March 2, 2015, at 10:30 a.m.** If Captain Cook does not have legal counsel by the date of the hearing but wishes to prosecute the Captain Cook Cross-claim, a non-attorney representative of Captain Cook may appear at the hearing to request an extension of time to allow the entity to retain counsel.

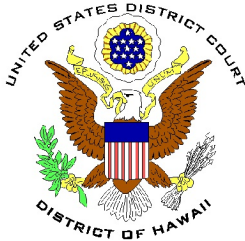
This Court CAUTIONS Captain Cook that, if it fails to appear at the hearing on **March 2, 2015**, this Court will DISMISS the Captain Cook Cross-claim WITHOUT PREJUDICE and will direct the Clerk's Office to enter final judgment and close this case.

¹(...continued)
93953. See, e.g., Mail Returned to Sender, filed 11/18/13 (dkt. no. 649) (noting that returned mail sent to the Adrian Court address will be resent to Strawberry Hill Road address).

This Court directs the Clerk's Office to serve a copy of this Order to Show Cause on Mr. McLaughlin at both the Adrian Court address and the Strawberry Hill address.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, January 8, 2015.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

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